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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,033

01/17/2006

Ebo Jacques De Muinck

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EXAMINER

HICKS, ROBERT J

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

10/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,033	Applicant(s) DE MUINCK, EBO JACQUES	
	Examiner ROBERT J. HICKS	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13 and 17 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/3/2009, 10/1/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2010 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on March 3, 2009 was filed after the mailing date of the non-final rejection filed December 4, 2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement from March 3, 2009 is being considered by the examiner.

3. The information disclosure statement filed October 1, 2010 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

4. The information disclosure statement filed October 1, 2010 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all

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other information or that portion which caused it to be listed. The submission on October 1, 2010 did not include the following foreign patents, for which the applicant wished to have considered toward patentability:

WO 2004/022440
EP 642,453
EP 493332
DE 10214712
GB 540564, and
WO 93/13936.

It has been placed in the application file, but the information referred to therein has not been considered.

5. The information disclosure statement filed October 1, 2010 fails to comply with 37 CFR 1.98(a)(1) because the publication number 2006/0180589 is the applicant's own invention application. How can the inventor's own application also be considered prior art? It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

6. Claims 1, 5, 6, 11, 12, 13, and 20 are objected to because of the following informalities. Appropriate correction is required.

Regarding Claim 1 Lines 4-5, the claim language could read "...a peripheral wall that is upright in a height direction from the base" There is no first mentioning of a height direction before this first statement.

Regarding Claim 5 Lines 1-2, the claim language could read "...wherein a distance from the second opening to the upper axis"

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Regarding Claim 6 Lines 1-2, the claim language could read "...wherein a distance from, on the one hand, the first opening to the lower axis"

Regarding Claim 11 Lines 1-2, the claim language could read "... wherein a distance between the fold lines in, respectively, the third and fourth sheet"

Regarding Claim 12 Lines 1-2, the claim language could read "... a greatest distance to the periphery of ~~the opening of~~ the first opening"

Regarding Claim 13 Lines 1-2, the claim language could read "...a greatest distance to the periphery of the first opening"

Regarding Claim 20 Line 8, the claim does not end with a period. "Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995).

Claim Rejections - 35 USC § 112

Prosecution on the merits of this application is reopened on claims 1-7, 10-13, and 17 as considered unpatentable for the reasons indicated below:

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-7, 10-13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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Regarding Claim 1 Lines 8-10, the claim recites, "...wherein each of the sheets is rectangularly shaped with tile first and the second sheets being at least approximately the same size, and the third and the fourth sheets being at least approximately the same size" This claim language is unclear as to whether the third and fourth sheet sizes are the same as the first and second sheet sizes, or if just the first and second sheets are the same first size with each other, and the third and fourth sheets are the same second size with each other, but that the first and second sizes are not the same.

The original description also states "The third and fourth sheet 30, 40 are preferably also rectangular, of the same shape and of the same size. The third and fourth sheet 30, 40 have side edges of essentially the same size as the side edges of the first and second sheet 10, 20. The side edges of the third and fourth sheet 30, 40 are preferably shorter than the side edges of the first and second sheet 10, 20."

[Original Description, Page 9 Lines 27-30]. It is possible that the third and fourth sheets can be smaller in size to the first and second sheets. Claims 2-7, 10-13, and 17 are rejected as being dependent upon rejected base claim 1.

Allowable Subject Matter

9. Claims 1-7, 10-13, and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Regarding Claim 1, the prior art discloses most of the claimed invention; however, the prior art does not expressly disclose the first and the second end edges of the first and second sheets being divided into three sections.

10. Claims 14-16, 18, and 19 are allowable as presented by the applicant. The following is a statement of reasons for the indication of allowable subject matter.

Regarding Claim 14, the prior art discloses most of the claimed invention; however, the prior art does not expressly disclose the connections stubs being secured to the walled enclosure utilizing rings that are placed around the connection stubs from an outer wall of the wall enclosure.

Regarding Claim 18, the prior art discloses most of the claimed invention; however, the prior art does not expressly disclose the first and the second end edges of the first and second sheets being divided into three sections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. HICKS whose telephone number is (571)270-1893. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:00 PM, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J Hicks/
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781